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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MONICA A. MARICS et al.

Serial No.: 09/591,158

Filed: June 9, 2000

For: SYSTEM AND METHOD FOR PROVIDING INTERNET ADDRESSES
CORRESPONDING TO AN ELECTRONIC SIGNAL TO A USER

Attorney Docket No.: MEDO 5029 PUS

Group Art Unit: 2154

Examiner: Wen Tai Lin

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APPEAL BRIEF

Mail Stop Appeal Brief - Patents
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Sir:

This is an appeal brief from the final rejection of claims 1-10, 12, 14-15, 17-24, 26, 28-29, and 31-35 of the Office Action dated October 29, 2003. This application was filed on June 9, 2000.

I. REAL PARTY IN INTEREST

The real party in interest is MediaOne Group, Inc., a corporation organized and existing under the laws of the state of Colorado, and having a place of business at Englewood, Colorado as set forth in the assignment recorded in the U.S. Patent and Trademark Office on June 9, 2000 at Reel 010857/Frame 0270. Subsequent to this assignment, MediaOne Group, Inc. was acquired by AT&T Broadband LLC which in turn was acquired by Comcast Cable Communications, Inc., however no assignment reflecting these name changes with respect to the present application is known to have been recorded.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to Appellants, Appellants' legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-10, 12, 14-15, 17-24, 26, 28-29, and 31-35 are pending in this application. Claims 1-10, 12, 14-15, 17-24, 26, 28-29, and 31-35 (*see* Appendix, attached) have been rejected and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

An amendment after final rejection was not filed.

V. SUMMARY OF THE INVENTION

Increasingly, people "surf" the Internet and watch television at the same time. Since the Internet contains a vast amount of information on virtually any subject, viewers may wish to search for information related to the topic of the particular programming they are watching. Unfortunately, the Internet is not always well organized, and the search for additional information may be quite time consuming. In some instances, video programming references a related web site through a text display or voice-over. However, viewers may not remember the Internet address correctly and fail to ever reach the referenced web site. Uniform resource locators (URLs) can be embedded in a video or audio program, such that Internet addresses related to the programming can be inserted by the program creator and thus narrow the search for Internet information. However, a user may not wish to view each and every web page designated by the program, and furthermore may wish to view the web pages at a time and in an order of their choosing.

Accordingly, the present invention provides a system and method for providing Internet addresses corresponding to an electronic signal to a user. The system (20) includes a receiver (22) for receiving a plurality of electronic signals each corresponding to a program, the plurality of electronic signals including one or more Internet addresses (46) embedded therein. The system (20) further includes a decoder (28) in communication with the receiver (22), where the decoder (28) extracts the one or more Internet addresses (46) from the plurality of electronic signals. A processor (30) in communication with the decoder (28) compiles a historical list (48) of the Internet addresses (46) extracted from the plurality of electronic signals, where the processor (30) includes memory (34) for storing the historical list (48) and program source information (54) indicating the program from which each Internet address (46) was extracted. A web browser (36) connected to the processor (30) presents the historical list (48) of the Internet addresses (46) and the associated program source information (54) to the user (*see, for example*, p. 6, line 6 - p. 7, line 28; p. 9, line 1 - p. 10, line 4; FIGS. 2-4).

Therefore, Appellants' invention advantageously stores and displays a historical list of Internet addresses and the program source information (program name, channel, etc.) associated with each Internet address, such that a user can view the historical list at a later time and still be able to put the Internet addresses in context with respect to the particular television program from which they were extracted.

VI. ISSUES

1. Whether claims 1-10, 12, 14-15, 17-24, 26, 28-29, and 31-35 are anticipated by U.S. Patent application Publication No. 2003/0005463 to Macrae et al. ("Macrae") under 35 U.S.C. § 102(e).
2. Whether claim 4 is unpatentable over Macrae under 35 U.S.C. § 103(a).

VII. GROUPING OF CLAIMS

For purposes of this appeal only and based upon the underlying rejections being appealed, claims 1-10, 12, 14-15, 17-24, 26, 28-29, and 31-35 stand or fall together.

VIII. ARGUMENT

A. Rejection of Claims Under 35 U.S.C. § 102(e) Over Macrae

Appellants respectfully traverse the Examiner's position that Appellants' claimed invention is anticipated by Macrae for the reasons stated below.

In independent claims 1 and 22, Appellants claim a system and method wherein Internet addresses corresponding to a program are provided to a user by compiling a historical list of extracted Internet addresses. The historical list is stored along with program source information indicating the program from which each Internet address was extracted. A web browser presents the historical list of the Internet addresses and the associated program source information to the user, where the program source information can be selected as depicted in FIG. 4 (User Options box 54). In this way, when viewing the historical list at a later time, users can rely on the program source information to put an Internet address in context with the particular television program from which it was extracted. This feature of Appellants' invention is especially beneficial if the user was not present to view the total duration of the video/audio programming from which the historical list was compiled.

In contrast to Appellants' claimed invention where *program source* information is stored and displayed, Macrae discloses a web browser bookmark directory in which only an Internet site address (numerical address) and a descriptive title of the *website* are stored. Macrae states that "[t]he website addresses and titles are stored in the directory" (*see Macrae*, p. 5, ¶ 0050) such that "[w]hen the viewer wishes to establish a connection to the Internet site of one of the stored addresses, the viewer presses a MENU button 57 to display the Internet

site titles, and optionally the corresponding Internet site addresses, stored in the directory” (*see Macrae*, p. 5, ¶ 0051). Therefore, in Macrae’s system, only the *title of the website* is stored, *not an identifier for the program* from which the Internet address and corresponding website were extracted.

In one example, Macrae discusses transferring a numerical Internet site address and the corresponding descriptive title of the website (“Today’s NFL Game Scores”) to a directory portion of the RAM (*see Macrae*, p. 5, ¶ 0048). In another example referred to by the Examiner, Macrae discloses that the Internet site names may be related to the particular program currently showing, such as a web site related to the television program “Married With Children.”

With regard to this example, Macrae states:

As an option, a textual description of the program is displayed in an area 44 and information about the television program, i.e., program title, station name, and channel number are displayed in a banner 49 underneath areas 42 and 44. A message is displayed at the top of an area 46 to prompt the viewer to select from a number of Internet site names displayed in the area 46 by moving a cursor 48 with arrow keys 58 and 60 (*see FIG. 5*). For example, the Internet site names may be related to the particular program (“1. ‘MARRIED WITH CHILDREN’ TRIVIA”), the particular broadcaster (“2. TONIGHT ON FOX (SCHEDULE)”), general services offered by the system provider (“3. SPORTS”; “4. SHOPPING”), or directed to the particular user’s Internet account (“5. E-MAIL”).

(*see Macrae*, p. 3, ¶ [0027]; FIGS. 3 and 4)

Therefore, when the program “Married With Children” is currently showing, a textual description of the program can be displayed (44) along with program information about the television program (49). A cursor 48 can be moved in order to select from one or more Internet site names (46), where some site names may be related to the particular program

currently showing. However, nowhere does Macrae disclose or suggest storing or displaying program source information relating to each Internet address as disclosed and claimed by Appellants. Of course, for the “‘MARRIED WITH CHILDREN’ TRIVIA” site, the program from which this Internet address was extracted might be guessed. However, for other Internet addresses with site names which do not include a program title, storing and displaying program source information as in Appellants’ claimed invention will allow a user to later determine the program from which the address was extracted, thus aiding in their decision as to whether they wish to access the associated web site.

In reference to the above example, the Examiner states:

Examiner respectfully disagrees with applicant’s remarks because MACRAE specifically teaches that the Internet sites may be related to the broadcasting program [paragraph 27]. In the example shown in Figs. 3 and 4, the Internet site name “MARRIED WITH CHILDREN” (sic) is extracted from the program source information [44, Figs. 3-4]. For the above reason, it is asserted that the prior art of record reads on the claims.

(Final Office Action dated October 29, 2003; Pages 6-7)

Appellants respectfully disagree with the Examiner’s characterization of Macrae, and assert that the Examiner is confusing Macrae’s display of a program description for a television program which is currently showing (as is done in a conventional electronic program guide) with Appellants’ storing and displaying of program source information for each Internet address presented in a historical list. Certainly, Macrae has the capability to display Internet sites related to the current program, but Macrae does not disclose or suggest displaying the program source information along with the Internet site name as do Appellants. As such, as new website addresses are added to Macrae’s bookmark directory, these website titles are stored and displayed to the user as a simple list without any identifying information (other than their title) which would indicate to the user the program from which they were extracted.

Therefore, Macrae does not disclose or suggest “storing the historical list and program source information indicating the program from which each Internet address was extracted” and “presenting the historical list of the Internet addresses and the associated program source information to the user” as disclosed and claimed by Appellants. For all of the foregoing reasons, Appellants believe that independent claims 1 and 22, along with their corresponding dependent claims, are patentably distinguishable over Macrae.

B. Rejection of Claim 4 Under 35 U.S.C. § 103(a) Over Macrae

Claim 4 depends from and contains all the limitations of independent claim 1, which is believed to be patentably distinguishable over Macrae for the reasons stated above in *Section A*. Accordingly, Appellants also believe that claim 4 is patentably distinguishable over the cited art.

IX. SUMMARY

The Examiner's understanding and characterization of the cited reference is submitted to be incorrect. The rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) are in error. For the reasons discussed above, it is thus respectfully requested that these rejections be reversed.

The fee of **\$330.00** as applicable under the provisions of 37 C.F.R. § 1.17(c) is enclosed. Please charge any additional fee or credit any overpayment in connection with this filing to our Deposit Account No. 02-3978.

Respectfully submitted,
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Enclosure - Appendix



X. APPENDIX - CLAIMS ON APPEAL

1. A system for providing Internet addresses corresponding to an electronic signal to a user, the system comprising:

a receiver for receiving a plurality of electronic signals each corresponding to a program, the plurality of electronic signals including one or more Internet addresses embedded therein;

a decoder in communication with the receiver, the decoder for extracting the one or more Internet addresses from the plurality of electronic signals;

a processor in communication with the decoder, the processor for compiling a historical list of the Internet addresses extracted from the plurality of electronic signals, wherein the processor includes memory for storing the historical list and program source information indicating the program from which each Internet address was extracted; and

a web browser connected to the processor, the web browser for presenting the historical list of the Internet addresses and the associated program source information to the user.

2. The system of claim 1, wherein the processor is further operable to receive a signal from the user indicating a selected Internet address from the historical list and provide a connection to a web page associated with the selected Internet address.

3. The system of claim 1, wherein the receiver includes a set-top box.

4. The system of claim 1, wherein the receiver includes a home gateway.

5. The system of claim 1, wherein the processor includes a personal computer.

6. The system of claim 1, wherein the processor includes a web tablet.

7. The system of claim 1, further comprising a first display in communication with the processor.

8. The system of claim 7, wherein the processor is in communication with the receiver, and the plurality of electronic signals is displayed on the first display.

9. The system of claim 1, further comprising a second display in communication with the receiver for displaying the plurality of electronic signals to the user.

10. The system of claim 9, wherein the second display includes a television set.

12. The system of claim 1, further comprising a tuner in communication with the receiver for tuning to a selected one of the plurality of electronic signals.

14. The system of claim 1, wherein the historical list includes Internet addresses extracted over an amount of time selectable by the user.

15. The system of claim 1, wherein the historical list includes Internet addresses of a number selectable by the user.

17. The system of claim 1, wherein the plurality of electronic signals includes video signals.

18. The system of claim 1, wherein the plurality of electronic signals includes audio signals.

19. The system of claim 1, wherein the plurality of electronic signals includes combined video and audio signals.

20. The system of claim 1, wherein the Internet addresses include uniform resource locators (URLs).

21. The system of claim 1, wherein the Internet addresses are embedded in a vertical blanking interval of the plurality of electronic signals.

22. A method for providing Internet addresses corresponding to an electronic signal to a user, the method comprising:

receiving a plurality of electronic signals each corresponding to a program, wherein the plurality of electronic signals includes one or more Internet addresses embedded therein;

extracting the Internet addresses from the plurality of electronic signals;

compiling and storing a historical list of the Internet addresses extracted from the plurality of electronic signals and program source information indicating the program from which each Internet address was extracted; and

presenting the historical list of the Internet addresses and the associated program source information to the user.

23. The method of claim 22, further comprising receiving a signal from the user indicating a selected Internet address from the historical list and providing a connection to a web page associated with the selected Internet address.

24. The method of claim 22, further comprising displaying the plurality of electronic signals to the user.

26. The method of claim 22, further comprising tuning to a selected one of the plurality of electronic signals.

28. The method of claim 22, wherein presenting the historical list to the user includes presenting Internet addresses extracted over an amount of time selectable by the user.

29. The method of claim 22, wherein presenting the historical list to the user includes presenting Internet addresses of a number selectable by the user.

31. The method of claim 22, wherein receiving the plurality of electronic signals includes receiving video signals.

32. The method of claim 22, wherein receiving the plurality of electronic signals includes receiving audio signals.

33. The method of claim 22, wherein receiving the plurality of electronic signals includes receiving a combined video and audio signals.

34. The method of claim 22, wherein extracting the Internet addresses includes extracting uniform resource locators (URLs).

35. The method of claim 22, wherein extracting the Internet addresses includes extracting the Internet addresses from a vertical blanking interval of the plurality of electronic signals.